

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION
OF THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX
REFUND SCHEME LITIGATION

This document relates to: 1:18-cv-05374; 1:18-
cv-08655

MASTER DOCKET

18-md-2865 (LAK)

**NOTICE OF THIRD-PARTY PLAINTIFFS/COUNTERCLAIM-DEFENDANTS
MOTION TO DISMISS ED&F MAN CAPITAL MARKETS LTD.'S COUNTERCLAIM**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated March 30, 2020, and the Declaration of Eric Smith, dated March 30, 2020, with all exhibits thereto, Third-Party Plaintiffs and Defendants-in-Counterclaim Del Mar Asset Management Savings and Retirement Plan and Federated Logistics LLC 401(K) Plan (together, the “Plans”), by its undersigned attorneys, will move the Court before the Honorable Lewis A. Kaplan at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 21B, at a time and date to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Third-Party Defendant and Counterclaimant ED&F Man Capital Markets Ltd.’s First Counter-Claim Against Third-Party Plaintiffs Del Mar Asset Management Savings and Retirement Plan and Federated Logistics LLC 401(K) Plan (as stated at ¶¶ 114–123 of Third-Party Defendant ED&F Man Capital Markets LTD.’s Answer to Third-Party Plaintiffs Del Mar Asset Management Savings and Retirement Plan’s, Federated Logistics LLC 401K Plan’s, and David Freelove’s Third-Party Complaint, Dkt. No. 283) with

prejudice, and for such other and further relief as the Court deems just and proper. The Plans respectfully request that the Court hold oral argument regarding this Motion.

Dated: New York, New York
March 30, 2020

Respectfully submitted,

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